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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Plaintiff, v. , Defendants.		No. CV JOINT PROPOSED FINAL PRETRIAL ORDER
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Following is the Joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference in this case set for _____ at _____.

A. Trial Counsel

Provide the mailing address, email address, office number, and cell number for:

Plaintiff(s):

Defendant(s):

B. Statement of Jurisdiction

1. Cite the statute(s) that give this Court jurisdiction (*e.g.*, jurisdiction in this case is based on diversity of citizenship under 28 U.S.C. § 1332).

2. State whether jurisdiction is disputed. (If so, the party disputing jurisdiction must set forth with specificity the bases for its objection.)

C. Stipulations and Undisputed Facts and Law

1. The following material facts are admitted by the parties and require no proof:

2. The following material facts, although not admitted, will not be contested at trial by evidence to the contrary:

1 3. The following issues of law are uncontested and stipulated to by the parties:

2 **D. Contested Issues of Fact and Law**

3 1. The following are the material issues of fact to be tried and decided:

4 **NOTE:** Each issue of fact must be separately and specifically identified, and each
5 party's contention must be provided with respect to each issue. For example:

- 6 Issue #1: Whether Plaintiff used due care.
- 7 Plaintiff: Plaintiff looked both ways before crossing the street
- 8 Defendant: Plaintiff ran into the street without looking

9 2. The following are the issues of law to be determined:

10 **NOTE:** Each issue of law must be separately and specifically identified, and each
11 party's contention must be provided with respect to each law. For example:

- 12 Issue #1: Whether Plaintiff's suit is barred by the doctrine of laches.
- 13 Plaintiff:
- 14 Defendant:

15 **E. Witness List**

16 Each party must separately list the names of witnesses, whether they are fact or
17 expert witnesses, and a brief description of the testimony of each witness (except witnesses
18 who may be called for impeachment). The witnesses must be grouped as follows: (1)
19 witnesses who will be called at trial; (2) witnesses who may be called at trial; and (3)
20 witnesses who are unlikely to be called at trial. Additionally, the parties must include the
21 following text in this section of the Joint Proposed Final Pretrial Order: "Each party
22 understands that it is responsible for ensuring that the witnesses it wishes to call to testify
23 are subpoenaed. Each party further understands that any witness a party wishes to call
24 must be listed on that party's list of witnesses; the party cannot rely on the witness having
25 been listed or subpoenaed by another party."

26 **F. Exhibit List**

27 1. The following exhibits are admissible in evidence and may be marked in
28 evidence by the Courtroom Deputy Clerk:

- 1 a. Plaintiff’s Exhibits:
- 2 b. Defendant’s Exhibits:

3 2. As to the following exhibits, the parties have reached the following
4 stipulations:

- 5 a. Plaintiff’s Exhibits:
- 6 b. Defendant’s Exhibits:

7 3. As to the following exhibits, the party against whom the exhibit is to be
8 offered objects to its admission and offers the objection stated below:

9 a. Plaintiff’s Exhibits: [*E.g.*, City Hospital records of Plaintiff from
10 March 1985. Defendant objects for a lack of foundation because]

11 b. Defendant’s Exhibits: [*E.g.*, Payroll records of Plaintiff’s employer
12 that show payment of Plaintiff’s salary during hospitalization and recovery. Plaintiff
13 objects on grounds of relevance and materiality because]

14 4. If there are more than 20 exhibits, the parties must email their exhibit lists in
15 Word format, at least five days before trial, to the chambers email address
16 (lanza_chambers@azd.uscourts.gov).

17 5. The parties must include the following text in this section of the Joint
18 Proposed Final Pretrial Order: “Each party hereby acknowledges by signing this Joint
19 Proposed Final Pretrial Order that any objections not specifically raised herein are waived.”

20 **G. Depositions to be Offered**

21 The parties must list the depositions that may be used at trial. The portions to be
22 read or submitted at trial must be identified by page and line number. Additionally, the
23 offering party must provide the Court with a copy of the offered deposition. The offering
24 party must highlight, in color, the portions of the deposition to be offered. If multiple
25 parties are offering the same deposition, only one copy should be provided. This copy
26 must contain each party’s highlighting (each party should use a different color).

27 Any party objecting to the admission of any portion of a deposition shall identify by
28 page and line number the portion to which objection is made and shall state the grounds of

1 objection specifically.

2 The parties must include the following text in this section of the Joint Proposed
3 Final Pretrial Order: “Each party hereby acknowledges by signing this Joint Proposed Final
4 Pretrial Order that any deposition not listed as provided herein will be disallowed, absent
5 good cause.”

6 **H. Motions in Limine (Jury Trial Only)**

7 Motions in limine and responses thereto must be filed as separate pleadings and in
8 accordance with the Order Setting Final Pretrial Conference.

9 **I. Pending Motions**

10 The parties must list all pending motions other than motions in limine.

11 **J. Procedures for Expediting Trial**

12 The parties must discuss and report on all available procedures that might be used
13 to expedite trial, including but not limited to (a) presenting stipulated summaries of
14 deposition testimony rather than reading deposition excerpts; (b) editing videotaped
15 depositions to limit the amount of time required for presentation; (c) using summary
16 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity and
17 foundation; (e) presenting direct expert testimony through summary or written reports; and
18 (f) using courtroom technology to expedite the presentation of evidence. The parties are
19 invited to contact chambers, using the chambers email address, to arrange a time to visit
20 the courtroom and examine its technology. Information about courtroom technology can
21 also be found at www.azd.uscourts.gov under Judges’ Information → Orders, Forms &
22 Procedures → Standard Procedures Used by All Phoenix Judges; Electronic/Video
23 Courtroom Equipment Information – Phoenix.

24 **K. Estimated Length of Trial**

25 ____ hours for opening statements and closing arguments

26 ____ hours for Plaintiff(s)’ case, including cross-exam of other parties’ witnesses

27 ____ hours for Defendant(s)’ case, including cross-exam of other parties’ witnesses

28 ____ hours for rebuttal

1 **L. Jury Demand**

2 State whether a jury trial has been requested. If a jury trial has been requested,
3 indicate the appropriate selection:

- 4 1. The parties stipulate that the demand for a jury trial was timely;
- 5 2. The Plaintiff/Defendant contends the demand was untimely because [provide
6 an explanation including legal citation]; or
- 7 3. The Plaintiff/Defendant contends that although the request for trial by jury
8 was timely, the request is otherwise improper as a matter of law because [provide an
9 explanation including legal citations].

10 **M. Proposed Findings of Fact and Conclusions of Law (Bench Trial Only)**

11 Proposed Findings of Fact and Conclusions of Law must be filed by each party as a
12 separate pleading in accordance with the instructions contained in the Order Setting Final
13 Pretrial Conference. The parties must include the following text in this section of the Joint
14 Proposed Final Pretrial Order: “The separately lodged Proposed Findings of Fact and
15 Conclusions of Law are incorporated by reference into this Joint Proposed Final Pretrial
16 Order.”

17 **N. Voir Dire, Jury Instructions, and Forms of Verdict**

18 The proposed jury instructions, proposed voir dire, and proposed forms of verdict
19 must be filed in accordance with the instructions contained in the Order Setting Final
20 Pretrial Conference.

21 **O. Certifications**

22 The parties must include the following text in this section of the Joint Proposed
23 Final Pretrial Order: “The undersigned counsel for each of the parties in this action do
24 hereby certify and acknowledge the following: (1) All discovery has been completed; (2)
25 The identity of each witness has been disclosed to opposing counsel; (3) Each exhibit listed
26 herein is in existence, is numbered, and has been disclosed and shown to opposing counsel;
27 (4) The parties have complied in all respects with the mandates of the Court’s Rule 16 Case
28 Management Order and Order Setting Final Pretrial Conference; (5) The parties have made

1 all of the disclosures required by the Federal Rules of Civil Procedure (unless otherwise
2 previously ordered to the contrary); and (6) The parties acknowledge that once this Joint
3 Proposed Final Pretrial Order has been signed and lodged by the parties, no amendments
4 to this Order can be made without leave of Court.”

5 **P. Information for Court Reporter**

6 To facilitate the creation of an accurate record, please prepare a “Notice to Court
7 Reporter” one week before trial containing the following information:

- 8 1. Proper names, including those of witnesses.
- 9 2. Acronyms.
- 10 3. Geographic locations.
- 11 4. Technical (including medical) terms, names, or jargon.
- 12 5. Case names and citations.
- 13 6. Pronunciation of unusual or difficult words or names.

14 This notice need not be filed but shall be provided via email to Candy Potter at
15 candy_potter@azd.uscourts.gov. She can be reached at 602-322-7246.

16 Counsel shall also advise the court reporter as soon as possible if they would like to
17 receive a real-time feed or daily turnaround transcript of the proceedings.

18
19 _____
20 Attorney for Plaintiff(s)

Attorney for Defendants(s)

21 Based on the foregoing,

22 **IT IS ORDERED** that this Joint Proposed Final Pretrial Order jointly submitted by
23 the parties is hereby **APPROVED** and **ADOPTED** as the Final Pretrial Order of this Court.

24 **Dated** this ____ day of _____, ____.

25
26
27 _____
28 Dominic W. Lanza
United States District Judge